

Application Number 10/647,839
Amendment dated September 12, 2007
Response to Office Action mailed August 30, 2007

REMARKS

This amendment is responsive to the Office Action dated August 30, 2007. Applicant has amended claims 1, 2, 4-6, 8, 10, 11, 13, 18, 19, 22, 23, 32, 33, 35, 42, 43 and 45 and cancelled claims 7, 17, 20, 28-31, 38, and 52. Claims 1-6, 8-16, 18, 19, 21-27, 32-37, 39-51, 53, and 54 are pending upon entry of this amendment.

Allowable Subject Matter

In the Office Action, the Examiner objected to claims 7, 20, 28, 38, and 52 as being dependent upon a rejected base claim, but stated that these claims would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claim.

In this amendment, Applicant has amended independent claims 1, 10, 22, 32, and 42 to include subject matter recited by the allowable dependent claims and any intervening claims on which these claims depend. Consequently, claims 1-6, 8-16, 18, 19, 21-27, 32-37, 39-51, 53, and 54 are in condition for allowance.

Claim Rejection Under 35 U.S.C. § 101

In the Office Action, the Examiner rejected claim 22 under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In particular, the Examiner stated that the instructions are not executed by a processor to perform the claimed limitations. Applicant has amended claim 22 to clarify that the computer-readable medium comprises instructions that, when executed by a processor, cause the processor to perform the claimed limitations.

Claim Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 13 and 45 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 13 and 45 for purposes of clarification. Applicant submits that claims, as amended, particularly point out and distinctly claim the subject matter, as required by 35 U.S.C. 112, second paragraph.

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Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-6, 8-12, 14-19, 21-27, 32-37, 39-44, 46-51, 53 and 54 under 35 U.S.C. 103(a) as being unpatentable over Ho et al. (US 6,910,148).

As discussed above, Applicant has amended the independent claims to include subject matter indicated by the Examiner as allowable over the prior art. As a result, claims 1-28 and 32-54 are in a condition for allowance.

Moreover, Applicant respectfully traverses the rejection. Ho fails to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention. For example, Applicant's claim 1 prior to the amendment required reestablishing the routing communication session with a secondary routing control unit of the first router upon failure of the primary routing control unit, wherein the routing communication session is reestablished to have a second restart time less than first restart time. Contrary to the Examiner's assertions, Ho does not suggest or render obvious reestablishing the routing communication session to have a second restart time that is less than the first restart time that was established for the session. Instead, Ho makes clear that any timeout period for detecting a session failure continues to run and is left unchanged. See, e.g., Ho at col. 6, ln. 34-35. In this regard, Ho emphasizes that the failover of the control units in Ho is undetected. In this manner, Ho is not even addressing session failure, which would be detected by the peer router(s).

Furthermore, the Examiner has failed to address other requirements specified in Applicant's claims. For example, dependent claim 2 prior to the amendment required automatically renegotiating the second restart time to the first restart time upon recovery of the primary routing control unit. There is no suggestion in Ho of increasing the restart time for a routing protocol session from the second restart time back to the first restart time at all, let alone when a primary routing control unit recovers. Even if some routing protocols support dynamic negotiation, as argued by the Examiner, this does not provide suggestion or motivation for changing the restart times based on the conditions recited by Applicant's claim 2.

Nevertheless, Applicant has amended the claims to expedite allowance given the examination delay at the Office and for purposes unrelated to patentability.

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CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

September 13, 2007
SHUMAKER & SIEFFERT, P.A.
1625 Radio Drive, Suite 300
Woodbury, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

Kent J. Sieffert
Name: Kent J. Sieffert
Reg. No.: 41,312